

ESTTA Tracking number: **ESTTA1167677**Filing date: **10/22/2021**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Columbia Pictures Industries, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	10202 W. WASHINGTON BLVD. CULVER CITY, CA 90232 UNITED STATES		
Attorney information	RICHARD S. MANDEL COWAN, LIEBOWITZ & LATMAN, P.C. 114 WEST 47TH STREET 21ST FLOOR NEW YORK, NY 10036-1525 UNITED STATES Primary Email: rsm@cll.com Secondary Email(s): jam@cll.com, laf@cll.com, trademark@cll.com 2127909200		
Docket Number			

Applicant Information

Application No.	90286358	Publication date	10/12/2021
Opposition Filing Date	10/22/2021	Opposition Period Ends	11/11/2021
Applicant	Deidra Thomas PO BOX 22597 3850 S UNIVERSITY DR #290806 FORT LAUDERDALE, FL 33335 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Entertainment and educational services, namely, the presentation of seminars, lectures, workshops and panel discussions, and ongoing television and radio talk shows all in the field of public interest concerning current and past events related to culture and ethnicity; Entertainment information services, namely, providing information and news releases about a musical artist; Entertainment media production services for the internet; Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content; Entertainment services in the nature of live visual and audio performances, namely, musical, variety, news and comedy shows; Entertainment services in the nature of recording, production and post-production services in the field of music; Entertainment services, namely, an ongoing multimedia program featuring current and past events related to culture and ethnicity distributed via various platforms across multiple forms of transmission media; Entertainment services, namely, body painting services held at special events; Entertainment services, namely, live, televised and movie appearances by a professional entertainer; Entertainment services, namely, per-

sonal appearances by a comedian, celebrity, actor, politician, and activist; Entertainment services, namely, providing a website at which the general public can receive advice from an individual or entity concerning happiness, such advice being for entertainment purposes only; Entertainment services, namely, providing advice and information for music, video and film concept and script development; Entertainment services, namely, providing an ongoing radio program in the field of current and past events related to culture and ethnicity; Entertainment services, namely, providing information about a recording artist via an online network; Entertainment services, namely, providing information by means of a global computer network in the fields of celebrities, entertainment, and popular culture; Entertainment services, namely, providing on-line reviews of videos and music; Entertainment services, namely, providing podcasts in the field of entertainment, news, and current and past events; Entertainment services, namely, providing video podcasts in the field of current and past events related to culture and ethnicity; Entertainment services, namely, providing virtual environments in which users can interact for recreational, leisure or entertainment purposes; Entertainment services, namely, providing webcasts in the field of entertainment, news, current and past events; Entertainment, namely, a continuing new entertainment show relating to current and past events broadcast over the Internet via websites, podcasts and social media; Educational and entertainment services, namely, providing motivational and educational speakers; Educational and entertainment services, namely, providing motivational and educational speakers in the field of self- and personal improvement; Live entertainment performances by artists in the nature of balloon twisting for others; Live entertainment performances by artists in the nature of caricature drawing for others; Multimedia entertainment services in the nature of development, production and post-production services in the fields of video and films; Organization of vernissages for cultural, entertainment or educational purposes; Providing an Internet website portal featuring entertainment news and information specifically in the field of current and past cultural and ethnic injustices; Providing information in the field of entertainment, featuring animation rendered by means of a global computer network; Providing user ratings for entertainment or cultural purposes; Providing user reviews for entertainment or cultural purposes; Provision of information relating to multimedia entertainment software production services; Special event planning for social entertainment purposes; Ticket reservation and booking services for entertainment, sporting and cultural events

Class 045. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Providing a social networking website for entertainment purposes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Other	Priority and likelihood of confusion based on common law


Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	5626046	Application Date	03/16/2018
Registration Date	12/11/2018	Foreign Priority Date	NONE
Word Mark	GHOSTBUSTERS		

Design Mark	GHOSTBUSTERS
Description of Mark	NONE
Goods/Services	<p>Class 038. First use: First Use: 1985/09/01 First Use In Commerce: 1985/09/01 ELECTRONIC STREAMING OF DIGITAL CONTENTMEDIA IN THE NATURE OF NON-DOWNLOADABLEFILMS AND TELEVISION PROGRAMS</p> <p>Class 041. First use: First Use: 1984/06/07 First Use In Commerce: 1984/06/07 PRODUCTION AND DISTRIBUTION OF MOTION PICTURES AND LIVE AND ANIMATED TELEVISIONPROGRAMS; PROVIDING ON-LINE COMPUTER GAMES; PROVIDING DISTRIBUTION OF AUDIOVISUAL WORKS, MOTION PICTURES, TELEVISION PROGRAMS, TRAILERS AND MUSIC BY MEANS OF AN INTERACTIVE GLOBAL COMPUTER NETWORK; PROVIDING ON-LINE VIDEO GAMES BY MEANS OF AN INTERACTIVE GLOBAL COMPUTER NETWORK; PROVIDING ON-LINE NON-DOWNLOADABLE E-BOOKS IN THE FIELD OF MOTION PICTURES AND COMIC BOOKS; PROVIDING NON-DOWNLOADABLE FILMS AND TELEVISION PROGRAMS ON THE INTER-NET VIA A VIDEO-ON-DEMAND SERVICE</p>


U.S. Registration No.	5233301	Application Date	10/21/2015
Registration Date	06/27/2017	Foreign Priority Date	NONE
Word Mark	GHOSTBUSTERS		
Design Mark	GHOSTBUSTERS		
Description of Mark	NONE		
Goods/Services	<p>Class 028. First use: First Use: 2016/07/09 First Use In Commerce: 2016/07/09 TOYS, GAMES AND PLAYTHINGS, NAMELY, PUZZLES; CARD GAMES; TOY FIGURINES; SCALE MODEL KITS; PAINTABLE TOY FIGURINES; INFLAT-ABLE TOYS; BALLS, NAMELY, PLAY BALLS; TOY MASKS; AMUSEMENT GAME MACHINES; ELECTRIC TOY VEHICLES; TOY AND NOVELTY FACE MASKS; TOY CONSTRUCTION BLOCKS; TOY CONSTRUCTION SETS; TOYS, NAMELY, CHILDREN'S DRESS-UP ACCESSORIES; PLAY SETS FOR ACTION FIGURES; TOY MODEL HOBBY CRAFT KITS; SKATEBOARDS; NON-MOTORIZED TOY SCOOTERS;TOY BUILDING BLOCKS; ACTION</p>		

	SKILL GAMES; PARLOR GAMES; DRAWING TOYS; WATER TOYS; BUBBLE-MAKING WAND AND SOLUTION SETS; PARTY FAVORS IN THE NATURE OF SMALL TOYS; SLOT MACHINES; PINBALL AND COIN-OPERATED AMUSEMENT MACHINES; PLAYING CARDS
--	---

U.S. Registration No.	5233300	Application Date	10/21/2015
Registration Date	06/27/2017	Foreign Priority Date	NONE
Word Mark	GHOSTBUSTERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2016/07/09 First Use In Commerce: 2016/07/09 CLOTHING, NAMELY, UNDERWEAR; SLEEPWEAR; SOCKS; SHOES; SLIPPERS; HEADWEAR; HATS; FOOTWEAR; APRONS; COVERALLS; SWEATSHIRTS; SWEATPANTS; CAPS; KNIT HATS; ATHLETICPANTS AND SHIRTS; SHORTS; BABY BODYSUITS; SWEATERS; JACKETS; INFANT CLOTHING, NAMELY, ONE-PIECE CLOTHING AND PAJAMAS; T-SHIRTS, COSTUMES FOR INFANTS, CHILDREN, AND ADULTS, NAMELY, HALLOWEEN COSTUMES AND COSTUMES FOR USE IN CHILDREN'S DRESSUP PLAY		

U.S. Registration No.	5233299	Application Date	10/21/2015
Registration Date	06/27/2017	Foreign Priority Date	NONE
Word Mark	GHOSTBUSTERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2014/03/20 First Use In Commerce: 2014/03/20 PENS; POSTERS; STICKERS; PEN AND PENCILCASES, BOXES AND HOLDERS; TRADING CARDS; GRAPHIC PRINTS; COMIC BOOKS; HARD-BOUND AND PAPERBACK BOOKS IN THE FIELD OF SUPERNATURAL		

	COMEDIC FICTION; COFFEE TABLE BOOKS IN THE FIELD OF SUPERNATURAL COMEDIC FICTION; MOVIE COMPANION GUIDEBOOKS; CALENDARS; CHILDREN'S ACTIVITY BOOKS; CHILDREN'S STORY BOOKS; COLORING BOOKS; NOTEPADS; WRITING PADS; GREETING CARDS; CHILDREN'S STICKER ACTIVITY BOOKS; PAPER PARTY SUPPLIES, NAMELY, PAPER NAPKINS, PAPER TABLE CLOTHS, AND PAPER PARTY BAGS; BOOK MARKS; LOOSE LEAF BINDERS; DIARIES; SCRAPBOOK ALBUMS; PENCIL ERASERS; STENCILS
--	---


U.S. Registration No.	5233298	Application Date	10/21/2015
Registration Date	06/27/2017	Foreign Priority Date	NONE
Word Mark	GHOSTBUSTERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2016/07/09 First Use In Commerce: 2016/07/09 DVDS FEATURING SUPERNATURAL COMEDIC AUDIOVISUAL CONTENT; VIDEO GAMES; DOWNLOADABLE VIDEO GAME SOFTWARE; COMPUTER GAME SOFTWARE FOR USE WITH PERSONAL COMPUTERS, VIDEO GAME CONSOLES, HANDHELD AND MOBILE DEVICES, ARCADE VIDEO GAME MACHINES, BINGO DEVICES; SMARTPHONE SOFTWARE APPLICATIONS FOR PLAYING COMPUTER GAMES; COMPUTER SCREEN SAVER SOFTWARE; DOWNLOADABLE VIRTUAL GOODS, NAMELY, COMPUTER PROGRAMS FEATURING ARTICLES OF CLOTHING, WEAPONS, AND VEHICLES FOR USE IN VIDEO GAMES; EYEGLASSES; SUNGLASSES; DOWNLOADABLE SOUND, IMAGE, AND MUSIC FILES CONTAINING MOTION PICTURES; MOVIE SOUNDTRACKS; DOWNLOADABLE E-BOOKS IN THE FIELD OF MOTION PICTURES; COMPUTER AND PC TABLET CASES; VIDEO GAME CARTRIDGES AND DISCS		

U.S. Registration No.	5115846	Application Date	12/14/2015
Registration Date	01/03/2017	Foreign Priority Date	NONE
Word Mark	GHOSTBUSTERS		

Design Mark	GHOSTBUSTERS
Description of Mark	NONE
Goods/Services	Class 021. First use: First Use: 2016/07/09 First Use In Commerce: 2016/07/09 MUGS, DRINKING GLASSES AND CUPS, BOTTLES SOLD EMPTY; FIGURINES OR BUSTS MADE OF GLASS OR CERAMIC; LAMP BASES, BOTTLE OPENERS, COASTERS NOT OF PAPER; SPORTS BOTTLES SOLD EMPTY, LUNCH BOXES, PIGGY BANKS; PAPER PARTY SUPPLIES, NAMELY, PAPER CUPS AND PAPER PLATES

U.S. Registration No.	4955278	Application Date	08/20/2015
Registration Date	05/10/2016	Foreign Priority Date	NONE
Word Mark	GHOSTBUSTERS		
Design Mark	GHOSTBUSTERS		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1984/06/00 First Use In Commerce: 1984/06/00 Toys, games and playthings, namely, toy vehicles in the nature of plastic, vinyl, and die-cast toy vehicles, PVC vinyl toy figures, puppets, dolls, stuffed toys, plush toys, squeeze dolls with sound chips to replicate talking; apparel and accessories for dolls, plush toys, and stuffed toys, action figures, play sets for action figures, bobblehead figurines, hand prop replica kits consisting of toy gadgets, namely, kits comprised of toy parts for constructing toy replicas of technical gear, tools and accessories used by motion picture characters; toy weapons and toy ghost-fighting weapons in the nature of proton-packs; board games, card games, role-playing games; dice games, playing cards, trading cards, jigsaw puzzles, scale model kits for assembly, paintable toy figurines, inflatable toys, plastic interlocking toy building block sets, plastic figures for interlocking toy building block sets, radio-controlled toy vehicles and figures, electric action toys; electronically operated toy motor vehicles; battery operated action toys; rubber balls; costumes for adults and children, namely, costume masks; slot car bodies, collectable toy figures; balloons; play tents; squeeze toys; talking toys; wind-up toys; toy banks; pinball machines; arcade game machines; hand held		

	units for playing electronic games; sporting articles, namely, aero-dynamic disks for throwing and catching games; kites; yo-yos; Christmas tree ornaments; re-configurable casino and lottery gaming equipment, namely, gaming machines and operational computer game software therefor sold as a unit, lottery cards, lottery tickets, scratch cards for playing lottery games
--	--

U.S. Registration No.	4145922	Application Date	09/12/2011
Registration Date	05/22/2012	Foreign Priority Date	NONE
Word Mark	GHOSTBUSTERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1984/06/07 First Use In Commerce: 1984/06/07 MOTION PICTURE FILMS FEATURING COMEDY AND SPECIAL EFFECTS Class 041. First use: First Use: 1984/06/07 First Use In Commerce: 1984/06/07 ENTERTAINMENT SERVICES, NAMELY, PRODUCTION AND DISPLAY OF A SERIES OF MOTION PICTURE FILMS		


U.S. Registration No.	3085088	Application Date	04/19/2005
Registration Date	04/25/2006	Foreign Priority Date	NONE
Word Mark	GHOSTBUSTERS		
Design Mark			
Description of Mark	The mark consists of the word GHOSTBUSTERS with the letter "o" formed by the international prohibition sign containing the image of a ghost.		
Goods/Services	Class 009. First use: First Use: 1985/12/31 First Use In Commerce: 1985/12/31 Pre-recorded videocassettes and discs of motion picture films and television programs; pre-recorded audio recordings, tapes, and discs; and video game software, video game cartridges, and video game discs		


U.S. Registration No.	2298531	Application Date	03/19/1997
Registration Date	12/07/1999	Foreign Priority Date	NONE

Word Mark	EXTREME GHOSTBUSTERS
Design Mark	EXTREME GHOSTBUSTERS
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1997/09/01 First Use In Commerce: 1997/09/01 entertainment services in the nature of an animated television series

U.S. Registration No.	2525345	Application Date	03/19/1997
Registration Date	01/01/2002	Foreign Priority Date	NONE
Word Mark	EXTREME GHOSTBUSTERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1997/07/01 First Use In Commerce: 1997/07/01 [coin operated pinball machines, jigsaw puzzles, toy model hobby kits, action skill games, board games,] toy action figures, toy weapons, toy vehicles and playsets for toy action figures		

U.S. Registration No.	5626045	Application Date	03/16/2018
Registration Date	12/11/2018	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of an image of a ghost contained in a prohibition sign.
Goods/Services	<p>Class 038. First use: First Use: 1985/09/01 First Use In Commerce: 1985/09/01 ELECTRONIC STREAMING OF DIGITAL CONTENT MEDIA IN THE NATURE OF NON-DOWNLOADABLE FILMS AND TELEVISION PROGRAMS</p> <p>Class 041. First use: First Use: 1984/06/07 First Use In Commerce: 1984/06/07 PRODUCTION AND DISTRIBUTION OF MOTION PICTURES AND LIVE AND ANIMATED TELEVISION PROGRAMS; PROVIDING ON-LINE COMPUTER GAMES; PROVIDING DISTRIBUTION OF AUDIOVISUAL WORKS, MOTION PICTURES, TELEVISION PROGRAMS, TRAILERS AND MUSIC BY MEANS OF AN INTERACTIVE GLOBAL COMPUTER NETWORK; PROVIDING ON-LINE VIDEO GAMES BY MEANS OF AN INTERACTIVE GLOBAL COMPUTER NETWORK; PROVIDING ON-LINE NON-DOWNLOADABLE E-BOOKS IN THE FIELD OF MOTION PICTURES AND COMIC BOOKS; PROVIDING NON-DOWNLOADABLE FILMS AND TELEVISION PROGRAMS ON THE INTERNET VIA A VIDEO-ON-DEMAND SERVICE</p>

U.S. Application No.	97079026	Application Date	10/18/2021
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GHOSTBUSTERS		
Design Mark			
Description of Mark	The mark consists of the word GHOSTBUSTERS in white letters outlined in black with the letter "o" in red formed by the international prohibition sign containing the image of a ghost in white outlined in black.		
Goods/Services	Class 041. First use: First Use: 1999/10/13 First Use In Commerce: 1999/10/13 PROVIDING A WEBSITE FEATURING ENTERTAINMENT INFORMATION; DEVELOPMENT, CREATION, PRODUCTION, DISTRIBUTION, AND POST-		

	PRODUCTION OF MOTION PICTURE FILMS; DISTRIBUTION OF TELEVISION SHOWS; PROVIDING ENTERTAINMENT SERVICES VIA A GLOBAL COMMUNICATION NETWORK IN THE NATURE OF ONLINE GAMES AND WEBSITES FEATURING A WIDE VARIETY OF ENTERTAINMENT INFORMATION RELATING TO MOTION PICTURE FILMS, TELEVISION PROGRAMS, RELATED FILM CLIPS, PHOTOGRAPHS; PROVIDING ONLINE NON-DOWNLOADABLE VIDEO CLIPS CONTAINING AUDIO, VIDEO, ARTWORK, AND/OR TEXT FROM OR RELATED TO MOTION PICTURES AND TELEVISION SERIES
--	---

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GHOSTBUSTERS, alone or with other word, letter and/or design elements		
Goods/Services	entertainment services and a wide variety of goods and services, including motion pictures and animated television programs, video games, graphic novels, toys and games, action figures, clothing, costumes, food and household and consumer products		

Attachments	87836950#TMSN.png(bytes) 86794475#TMSN.png(bytes) 86794470#TMSN.png(bytes) 86794464#TMSN.png(bytes) 86794456#TMSN.png(bytes) 86848284#TMSN.png(bytes) 86730884#TMSN.png(bytes) 85420323#TMSN.png(bytes) 78611993#TMSN.png(bytes) 75259897#TMSN.png(bytes) 87836930#TMSN.png(bytes) 97079026#TMSN.png(bytes) Notice of Opposition Karenbusters.pdf(239766 bytes)
-------------	--

Signature	/Joelle A. Milov/
Name	Richard S. Mandel / Joelle A. Milov
Date	10/22/2021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 90/286,358

Filed: October 29, 2020

Published in the *Official Gazette* of October 12, 2021

For Mark: @KARENBUSTERS & Design

	-----X	
	:	
COLUMBIA PICTURES INDUSTRIES, INC.,	:	
	:	
Opposer,	:	Opposition No.
	:	
- against -	:	<u>NOTICE OF OPPOSITION</u>
	:	
DEIDRA THOMAS,	:	
	:	
Applicant.	:	
	:	
	-----X	

Columbia Pictures Industries, Inc. ("Opposer") believes that it will be damaged by registration of the mark shown in Application Serial No. 90/286,358 (the "Application"), filed October 29, 2020, and hereby opposes same.

As grounds of opposition, Opposer alleges as follows:

1. Opposer is a Delaware corporation with an address at 10202 W. Washington Blvd., Culver City, California 90232.
2. Upon information and belief, Applicant Deidra Thomas ("Applicant") is an individual with a listed address of P.O. Box 290806, 3850 S. University Dr. #290806, Ft. Lauderdale, Florida 33335.
3. Opposer is a world-renowned entertainment company. Opposer and its predecessors in interest and related companies have for many years been engaged in the business of producing audiovisual entertainment products, including motion pictures, and distributing

such content through motion picture theaters, broadcast and cable television, video on demand, download and/or streaming services as well as on DVDs and Blu-ray discs.

4. Since long prior to October 29, 2020, the filing date of the Application, Opposer, by itself and through licensees, has used the name or mark GHOSTBUSTERS, alone or with other word, letter and/or design elements, including a ghost design prominently featuring the universal prohibition symbol (“Opposer’s Ghost Logo Design”), on or in connection with entertainment services and a wide variety of goods and services, including motion pictures and animated television programs, video games, graphic novels, toys and games, action figures, clothing, costumes, food, and household and consumer products (collectively, “Opposer’s GHOSTBUSTER Marks”).

5. In 1984, Opposer produced and distributed the blockbuster hit motion picture GHOSTBUSTERS, which generated domestic gross receipts in excess of \$225 million, making it the second highest grossing film of 1984 and the biggest grossing comedy of the 1980’s. The film’s legacy has lasted long beyond its initial run and it is considered one of the most influential comedy films ever made, often being credited with inventing the genre of special effects driven comedies. It has appeared on numerous lists of the best movies and/or comedies of all time, including the American Film Institute’s 2001 ranking of America’s 100 Funniest Movies and the Hollywood Reporter’s 2014 list of the 100 best movies of all time.

6. The success of the GHOSTBUSTERS film has spawned an enormously successful entertainment franchise, which includes two animated television series as well as two additional motion pictures (with a third planned for release later this year).

7. Opposer produced and distributed an animated television series entitled THE REAL GHOSTBUSTERS, which appeared on television from 1986 through 1991, as well as

another animated television series entitled EXTREME GHOSTBUSTERS, which was released in 1997.

8. Opposer also produced and distributed GHOSTBUSTERS II, a successful sequel to the original GHOSTBUSTERS movie which was released in 1989 and generated more than \$100 million in gross domestic receipts. In 2016, Opposer released the reboot feature film GHOSTBUSTERS starring Melissa McCarthy, Kristen Wiig and Kate McKinnon. Another sequel, GHOSTBUSTERS: AFTERLIFE, has been completed and is planned for release in November 2021.

9. All the various GHOSTBUSTERS entertainment properties have been distributed for many years and continue to be publicly available as of today through a variety of distribution platforms. The GHOSTBUSTERS films have been and/or are viewed nationwide on television, in movie theaters, on video and via download and streaming services, and the films have also been extensively advertised and promoted.

10. Further increasing the recognition and fame of Opposer's GHOSTBUSTERS Marks, Opposer has developed an expansive merchandising program designed to capitalize on the strong public demand for all kinds of products and services associated with the GHOSTBUSTERS brand. Opposer has licensed the GHOSTBUSTERS Marks for use in connection with a wide range of goods and services, including t-shirts and other apparel items, costumes, video games, graphic novels, toys and games, action figures, food, household goods and numerous other consumer products. Opposer's licensees have used Opposer's GHOSTBUSTERS Marks on and in connection with the licensed products and in advertising and promoting such products.

11. As a result of the foregoing efforts by Opposer and the tremendous success of the various products and services offered under Opposer's GHOSTBUSTERS Marks, Opposer has achieved a goodwill of tremendous value in such marks, which are exclusively associated with Opposer and the entertainment properties and licensed products sold and distributed under those marks.




12. Opposer is the owner of the following federal trademark registrations and application for Opposer's GHOSTBUSTERS Marks, including Opposer's Ghost Logo Design:

MARK	REG./APP. NO	GOODS
GHOSTBUSTERS	5626046	Production and distribution of motion pictures and live and animated television programs; providing on-line computer games; providing distribution of audiovisual works, motion pictures, television programs, trailers and music by means of an interactive global computer network; providing online video games by means of an interactive global computer network; providing on-line non-downloadable e-books in the field of motion pictures and comic books; providing non-downloadable films and television programs on the internet via a video-on-demand service
GHOSTBUSTERS	5233301	Toys, games and playthings, namely, puzzles; card games; toy figurines; scale model kits; paintable toy figurines; inflatable toys; balls, namely, play balls; toy masks; amusement game machines; electric toy vehicles; toy and novelty face masks; toy construction blocks; toy

MARK	REG./APP. NO	GOODS
		construction sets; toys, namely, children's dress-up accessories; play sets for action figures; toy model hobby craft kits; skateboards; non-motorized toy scooters; toy building blocks; action skill games; parlor games; drawing toys; water toys; bubble-making wand and solution sets; party favors in the nature of small toys; slot machines; pinball and coin-operated amusement machines; playing cards
GHOSTBUSTERS	5233300	Clothing, namely, underwear; sleepwear; socks; shoes; slippers; headwear; hats; footwear; aprons; coveralls; sweatshirts; sweatpants; caps; knit hats; athletic pants and shirts; shorts; baby bodysuits; sweaters; jackets; infant clothing, namely, one-piece clothing and pajamas; t-shirts, costumes for infants, children, and adults, namely, Halloween costumes and costumes for use in children's dress up play
GHOSTBUSTERS	5233299	pens; posters; stickers; pen and pencil cases, boxes and holders; trading cards; graphic prints; comic books; hardbound and paperback books in the field of supernatural comedic fiction; coffee table books in the field of supernatural comedic fiction; movie companion guidebooks; calendars; children's activity books; children's story books; coloring books; notepads; writing pads; greeting cards; children's sticker activity books; paper party supplies, namely, paper napkins, paper table

MARK	REG./APP. NO	GOODS
		cloths, and paper party bags; book marks; loose leaf binders; diaries; scrapbook albums; pencil erasers; stencils
GHOSTBUSTERS	5233298	DVDs featuring supernatural comedic audiovisual content; video games; downloadable video game software; computer game software for use with personal computers, video game consoles, handheld and mobile devices, arcade video game machines, bingo devices; smartphone software applications for playing computer games; computer screen saver software; downloadable virtual goods, namely, computer programs featuring articles of clothing, weapons, and vehicles for use in video games; eyeglasses; sunglasses; downloadable sound, image, and music files containing motion pictures; movie soundtracks; downloadable e-books in the field of motion pictures; computer and pc tablet cases; video game cartridges and discs
GHOSTBUSTERS	5115846	Mugs, drinking glasses and cups, bottles sold empty; figurines or busts made of glass or ceramic; lamp bases, bottle openers, coasters not of paper; sports bottles sold empty, lunch boxes, piggy banks; paper party supplies, namely, paper cups and paper plates
GHOSTBUSTERS	4955278	Toys, games and playthings, namely, toy vehicles in the nature of plastic, vinyl, and die- cast toy vehicles, PVC vinyl toy

MARK	REG./APP. NO	GOODS
		<p>figures, puppets, dolls, stuffed toys, plush toys, squeeze dolls with sound chips to replicate talking; apparel and accessories for dolls, plush toys, and stuffed toys, action figures, play sets for action figures, bobblehead figurines, hand prop replica kits consisting of toy gadgets, namely, kits comprised of toy parts for constructing toy replicas of technical gear, tools and accessories used by motion picture characters; toy weapons and toy ghost-fighting weapons in the nature of proton-packs; board games, card games, role-playing games; dice games, playing cards, trading cards, jigsaw puzzles, scale model kits for assembly, paintable toy figurines, inflatable toys, plastic interlocking toy building block sets, plastic figures for interlocking toy building block sets, radio-controlled toy vehicles and figures, electric action toys; electronically operated toy motor vehicles; battery operated action toys; rubber balls; costumes for adults and children, namely, costume masks; slot car bodies, collectable toy figures; balloons; play tents; squeeze toys; talking toys; wind-up toys; toy banks; pinball machines; arcade game machines; hand held units for playing electronic games; sporting articles, namely, aero-dynamic disks for throwing and catching games; kites; yo-yos; Christmas tree ornaments; reconfigurable</p>

MARK	REG./APP. NO	GOODS
		casino and lottery gaming equipment, namely, gaming machines and operational computer game software therefor sold as a unit, lottery cards, lottery tickets, scratch cards for playing lottery games
GHOSTBUSTERS	4145922	Motion picture films featuring comedy and special effects; entertainment services, namely, production and display of a series of motion picture films
	3085088	Prerecorded videocassettes and discs of motion picture films and television programs; pre-recorded audio recordings, tapes and discs; and video game software, video game cartridges, and video game discs
EXTREME GHOSTBUSTERS	2298531	Entertainment services in the nature of an animated television series
EXTREME GHOSTBUSTERS	2525345	Toy action figures, toy weapons, toy vehicles and playsets for toy action figures
	5626045	Production and distribution of motion pictures and live and animated television programs; providing distribution of audiovisual works, motion pictures, television programs, trailers and music by means of an interactive global computer network; providing non-downloadable films and television programs on the internet via a video-on-demand service
	97/079,026	Providing a website featuring entertainment information; development, creation, production, distribution and post-production of motion

MARK	REG./APP. NO	GOODS
		picture films; distribution of television shows; providing entertainment services via a global communication network in the nature of online games and websites featuring a wide variety of entertainment information relating to motion picture films, television programs, related film clips, and photographs; providing online non-downloadable video clips containing audio, video, artwork, and/or text from or related to motion pictures and television series

The above referenced registrations are valid, subsisting, in full force and effect and Reg. Nos. 4145922, 3085088, 2298531 and 2525345 have become incontestable.

13. On or about October 29, 2020, Applicant filed the Application on an intent-to-use basis in the United States Patent and Trademark Office seeking registration on the Principal Register of the mark shown below (“Applicant’s Mark”) for a wide variety of entertainment services in International Class 41 and for “providing a social networking website for entertainment purposes” in International Class 45:



14. Applicant clearly intended to create an association with Opposer’s valuable GHOSTBUSTERS properties. First, the combined use of the term “busters” together with the

universal prohibition symbol immediately evokes Opposer's GHOSTBUSTERS Marks, including the mark covered by Reg. No. 3,085,088 in which Opposer's Ghost Logo Design is used to form the letter "O" in the word GHOSTBUSTERS as shown below:



The combination of the term "busters" with the universal prohibition symbol is distinctive and unique to Opposer's GHOSTBUSTERS brand, and it serves to identify Opposer and its goods and services to the consuming public. There are no marks registered within the classes covered by the Application that combine the term "busters" and the universal prohibition symbol such as appears in Opposer's GHOSTBUSTERS Marks. This absence of any other marks in the relevant classes underscores Opposer's unique, recognizable and well-established original creative combination of "busters" with the prohibition symbol.

15. Moreover, Applicant's use of Applicant's Mark confirms Applicant's intent to trade on the fame and reputation of Opposer's GHOSTBUSTERS Marks. As reflected in the screenshot from Applicant's Instagram account reproduced below, along with movie posters for Opposer's films, Applicant promotes Applicant's Mark using animated figures garbed in uniforms and carrying equipment that imitates immediately recognizable indicia associated with the GHOSTBUSTERS Marks:



In addition, the music played behind Applicant’s animation sequence is a song from the motion picture soundtrack and soundtrack album of the 2016 GHOSTBUSTERS film together with the famous refrain “who you gonna call?,” which is inextricably linked in the public’s mind with Opposer’s GHOSTBUSTERS franchise.

16. The services for which Applicant seeks to register Applicant’s Mark are identical or closely related to the goods and services in connection with which Opposer has used and registered Opposer’s GHOSTBUSTERS Marks. For example, Applicant seeks registration for a variety of entertainment services in Class 41, including “*Multimedia entertainment services in the nature of development, production and post-production services in the fields of video and*

films,” which is essentially identical to the entertainment services offered by Opposer, including “*production and display of a series of motion picture films*” in Registration No. 4145922 and “*Production and distribution of motion pictures and live and animated television programs*” in Registration No. 5626045.

17. Applicant’s applied-for services are also closely related to the goods in Registration No. 3085088, namely, “Prerecorded videocassettes and discs of motion picture films and television programs; pre-recorded audio recordings, tapes and discs.” It is routine for the same entity to offer the Applicant’s entertainment services and the goods covered by Opposer’s registration (prerecorded videocassettes, tapes, and discs in the nature of DVDs) under the same mark.

18. Further, Applicant’s Class 45 social networking services are also closely related to the goods in Registration No. 3085088, as well as Registration No. 5626045, covering a variety of entertainment services, including “providing distribution of audiovisual works, motion pictures, television programs, trailers and music by means of an interactive global computer network.” It is routine for the same entity to offer entertainment services, prerecorded videocassettes, tapes, and discs in the nature of DVDs, and social networking services under the same mark.

19. Applicant’s Mark so resembles Opposer’s GHOSTBUSTERS Marks as to be likely, when used in connection with Applicant’s services, to cause confusion, to cause mistake and to deceive because the public is likely to believe that Applicant’s services have their origin with Opposer and/or that Applicant’s services are approved, endorsed or sponsored by Opposer or associated with Opposer in some other way, thereby causing injury to Opposer, the trade and the public.

20. Opposer's GHOSTBUSTERS Marks, including Opposer's Ghost Design Logo, are distinctive and famous and has enjoyed distinctiveness and fame since long prior to the filing date of the Application by Applicant.

21. Applicant's registration and use of Applicant's Mark in connection with Applicant's services is likely to dilute Opposer's famous GHOSTBUSTERS Marks by rendering them less distinctive through blurring.

22. Opposer would be injured by the granting to Applicant of the registration sought because Applicant's Mark so resembles Opposer's GHOSTBUSTERS Mark as to be likely, when used in connection with Applicant's services:

- (a) to cause confusion, or to cause mistake, or to deceive;
- (b) to damage Opposer's valuable goodwill in Opposer's GHOSTBUSTERS Marks;
- (c) to interfere with Opposer's sale of its own goods and services under Opposer's GHOSTBUSTERS Marks; and
- (d) to dilute Opposer's GHOSTBUSTERS Marks by rendering them less distinctive.

WHEREFORE, Opposer, by its attorneys, respectfully requests that its opposition be sustained and that the registration sought by Applicant be denied.

Dated: New York, New York
October 22, 2021

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Richard S. Mandel/
Richard S. Mandel
Lynn S. Fruchter
114 West 47th Street
New York, New York 10036
(212) 790-9200